

ECS File: IGA-88-12  
Project: VLT-900-959  
Fund: 82560  
Section: Homolovi Ruins State  
Park

INTERGOVERNMENTAL AGREEMENT

BETWEEN  
THE ARIZONA DEPARTMENT OF TRANSPORTATION  
AND  
THE ARIZONA STATE PARKS BOARD

THIS AGREEMENT is entered into April 27, 1988,  
between the ARIZONA DEPARTMENT OF TRANSPORTATION ("ADOT") and  
the ARIZONA STATE PARKS BOARD (the "Parks Board").

I. RECITALS

1. ADOT is empowered by Arizona Revised Statutes Sections 11-952 and 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Parks Board is empowered by Arizona Revised Statutes Section 41-511:05 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the Parks Board.

3. By Resolution No. 87, the Parks Board has designated roads, spurs and other traffic related appurtenances within State Park boundaries as public highways for the purpose of chip sealing and placing a new asphaltic concrete pavement.

4. The purpose of this agreement is to set forth the responsibilities of ADOT and the Parks Board in designing and constructing improvements to park roads, parking areas and related facilities, as authorized by Arizona Revised Statutes Section 28-1822.

NO. <u>12876</u>
FILED WITH SECRETARY OF S
Date Filed <u>5-2-88</u>
<u>Jim Shumway</u> Secretary of State
By <u>Adrian</u>

THEREFORE, the parties hereto agree as follows:

SCOPE OF WORK

1. According to ADOT standards and specifications and at its own cost, ADOT shall design, call for bids, award one or more construction contracts and administer the contract(s) for improvements to the park.

a. The improvements include, but are not limited to, constructing a left turn lane on State Route 87, constructing park roads from State Route 87 to Homolovi I and II archaeological sites, constructing park roads to the Visitor's Center, campground and residence/maintenance area, constructing the park roads for a new sixty-unit campground, constructing parking areas for the Homolovi I and II sites and for the Visitor's Center, and constructing a graveled maintenance area and an area for three residential sites.

b. The estimated cost of these improvements is \$4,000,000.

2. ADOT shall acquire in the name of the Parks Board additional rights of way for purposes of park road construction, where necessary, as set forth in the resolution of the Parks Board. The Parks Board herein authorizes ADOT to condemn rights of way in the name of the Parks Board, as necessary to accomplish said acquisition.

3. The Parks Board shall provide information to support the development and construction of the project and necessary permits allowing for the contemplated construction.

4. Maintenance and operation of said Park road improvements shall be the sole responsibility of the Parks Board.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said construction project(s); provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled by the Governor in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

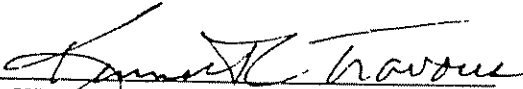
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

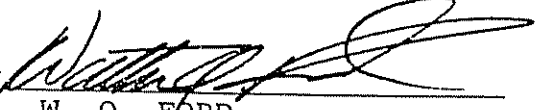
6. Attached hereto and incorporated herein by reference is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

ARIZONA STATE PARKS BOARD

STATE OF ARIZONA  
Department of Transportation

By   
KENNETH E. TRAVOUS  
Executive Director

By   
W. O. FORD  
State Engineer

0712j

Ronald Ples, Member of the Arizona State Parks Board, 800 W. Washington, Phoenix, Arizona 85007, presented the following Resolution and moved its adoption:

**RESOLUTION No. 87**

**By the Arizona State Parks Board  
Authorizing the Execution of the Intergovernmental  
Agreement with the  
Department of Transportation**

Under powers granted to the Arizona State Parks Board by ARS 41-511.05, **BE IT RESOLVED** on this 8th day of April, 1988, that **THE ARIZONA STATE PARKS BOARD** determines it is in the best interest of the State of Arizona to enter into an Interagency Agreement with the **ARIZONA DEPARTMENT OF TRANSPORTATION** wherein the **ARIZONA DEPARTMENT OF TRANSPORTATION** will improve various areas within Homolovi Ruins State Park including, but not limited to, drainage easements, construction easements, road rights-of-way, and the acquisition of such lands in the name of the Parks Board where necessary to accomplish such improvements. The Board designates as public highways the roads, spurs, and other traffic related appurtenances within Homolovi Ruins State Park for the purpose of constructing park related improvements under the Interagency Agreement, Project VLT-900-959.


**THEREFORE**, authorization is hereby given to The Arizona State Parks Board Executive Director, or his designee, to sign said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

After general discussion, the motion to adopt said resolution was seconded by Reese Woodling and was unanimously carried by the members present who are as follows:

Joni Bosh  
M. Jean Hassell  
Ronald Ples  
Reese Woodling  
William Roe

Thereupon, Joni Bosh, Acting Chair of the Arizona State Parks Board, declared that the Resolution had been adopted.

Attest: On April 8, 1988, the aforementioned Resolution was passed and adopted by the Arizona State Parks Board in Regular Session.

  
Joni Bosh, Secretary

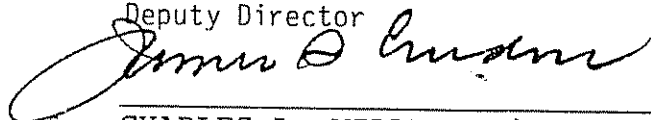
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RESOLUTION

BE IT RESOLVED on this 18 day of Feb, 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Arizona State Parks Board for design and construction of park roads, campsites and parking areas.

THEREFORE, authorization is hereby given to draft said agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

JAMES S. CREEDON  
Deputy Director



For: CHARLES L. MILLER, Director  
Arizona Department of  
Transportation

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR-88-0556-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 29<sup>th</sup> day of April, 1988.

ROBERT K. CORBIN  
Attorney General

  
Assistant Attorney General  
Transportation Division